

# **Exhibit 1**

**Powell, Charles**

**From:** Powell, Charles  
**Sent:** Monday, June 12, 2006 5:35 PM  
**To:** 'twilliams@tolesandwilliams.com'; 'vtoles@tolesandwilliams.com'  
**Cc:** 'jswain@jbpp.com'  
**Subject:** Dora Davis - Status of Case

Trina, I am following up on our discussion from last Thursday. During that call, you acknowledged to Jennifer and I that Ms. Davis' claims needed to be dismissed, and you represented that you intended to use the time previously reserved for Jeff Johnston's deposition to meet with Ms. Davis concerning the dismissal of her case. Although Jennifer expressed concerns about continuing Mr. Johnston's deposition with the approaching summary judgment deadline, you indicated that you did not believe that the continuance of his deposition would be an issue in that regard, and that you would call us today with Ms. Davis' response to our proposal. Although I have called your office several times today, I have not heard from you with an update on the status of this case. While understand that you were in court earlier today, we made it clear that the Defendants' sole motivation for their offer was to avoid **any** further legal fees in this case. With that motivation in mind, we agreed to cancel Mr. Johnston's deposition to give Ms. Davis some additional time to evaluate our proposal, and because you represented that we would have her answer today. That time has now passed. If she intends to dismiss her case, as you acknowledged she should, then let me know by 10 a.m. tomorrow. Otherwise, we will assume that Ms. Davis and you have declined the offer and that you intend to pursue this matter.

Because I will be out of the office tomorrow in an area with limited cell phone coverage, you can reach me at 205-654-2372 in the morning. Alternatively, you can call Jennifer. We look forward to hearing from you.

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7/26/2006